IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor(s): HANNA *et al.*

PATENT

APPLICATION

Appln. No. <u>09/612,914</u>

  <u>series code</u> ↑ ↑ <u>serial no.</u>

Group Art Unit/TC: 1642

Filed: July 10, 2000

Examiner: YAEN, C.

Title: RECOMBINANT ANTI-CD4 ANTIBODIES FOR HUMAN THERAPY

TERMINAL DISCLAIMER

(By Attorney)

Re Double-Patenting Rejection

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

    The undersigned petitioner, an attorney of record, is hereby acting for the undernamed entity which is the 100% owner of all rights, title and interests in and to the subject application:

1. ☐   by virtue of being the inventor(s) and having not assigned this application

2. ☒   as shown by the Assignment recorded   <u>November 6, 1995</u> on Reel <u>7822</u> at Frame <u>0461</u>
                                                          (date)

3. ☐   as shown by the attached <u>copy</u> of the Assignment filed for recordal on   _____
                                                                                 (date)

4. ☐   <u>and</u>, if the assignor in that Assignment is not the original owner (inventor(s)), the chain of title from the original owner to that Assignment as recorded on Reel   at Frame

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and hereby disclaims (except as provided below) the terminal part of the statutory term of any patent granted on the subject application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened (if at all) by any terminal disclaimer of:

5. ☐   any patent granted in regard to U.S. Application No.   <u>/</u>   filed _____   *

6. ☒   the earlier granted United States Patent No.   <u>5,756,096</u>_____   *

to which said entity also has legal title. Petitioner hereby reserves the right to extend the term of the patent, which issues on this application, for regulatory delay or otherwise as the law allows. Petitioner hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that it and the patent in the above line numbered 5 or 6 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent in line numbered 5 or 6 above, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entity: <u>IDEC Pharmaceuticals Corporation</u>

Atty. Sig. _____

Attorney of Record.

Name: <u>Thomas A. Cawley, Jr.</u>

Reg. No.: <u>40,944</u>

Date: <u>July 8, 2002</u>

* Attorney and client: Please note on that other file and also this appln. file <u>not to assign either separately</u> in view of this disclaimer.

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is charged on the accompanying cover sheet (PAT-120). Should it be missing or inadequate, please charge our Deposit Account No. 03-3975 under Order No. <u>037003-0275543</u>.

C# M#